In the High Court of Judicature at Madras

Dated:21.03.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

and

The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No.287 of 2006

Indira .. Petitioner

vs.

1. The Inspector of Police
   K-6 T.P. Chatiram
   Police Station
   Chennai 600 010.

2. Chinnaiya .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. B. Karunakaran

For respondent No.1 : Mr. Abudukumar Rajarathinam
Govt. Advocate (Crl.side)

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name Indira has filed this petition seeking to issue a writ of hebeas corpus, directing the respondents to produce her husband Babu before this Court and set him at liberty.

2. In para 3 of the affidavit filed in support of the above petition, the petitioner has stated that she married the detenu as per Hindu rites and customs by tieing a thali in temple on 27.06.2005. It is also stated that, after marriage, they were living together at No.47, Manjakollai Street, Aminjakarai, Chennai 600 029. While so,

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according to the petitioner, since her husband's father was against their marriage and was giving pin-pricks to her and family members, the detenu, her husband, left her company. It is further stated that when she went and enquired, the second respondent, her father-in-law, threatened and informed that though the detenu was there, refused to send him and even refused her to enter inside the house. In such circumstances, she made a compliant to the first respondent on 16.02.2006 and the same was registered as Crime No.125 of 2006. Though the first respondent is free to pursue the compliant, on going through the averments made in the affidavit, we are of the view that proper remedy for the petitioner is to enforce her right before the appropriate forum and the same cannot be gone into by this Court in habeas corpus petition. Accordingly, this petition fails and the same is dismissed with a liberty to the petitioner to approach the appropriate Court to vindicate her grievance.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Inspector of Police
K-6 T.P. Chatiram
Police Station
Chennai 600 010.

2. The Public Prosecutor,
High court, Madras

+ one cc to Mr. B. Karunakaran, Advocate sr no. 14102

SR(CO)
NM(29.03.2006)

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Order in
H.C.P.No.287 of 2006

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